

OFFICIAL *RC 9/22/03*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this TERMINAL DISCLAIMER and the documents referred to as enclosed therein are being deposited with the United States Postal Service via facsimile on the date indicated below to: Commissioner of Patents, Facsimile No. (703) 746-5293.

Ariel Fletcher
Ariel Fletcher

9/22/2003
Date

Applicant: Brooks, et al.

Serial No.: 09/081,522

Filing Date: May 19, 1998

Title: INHIBITION OF ANGIOGENESIS IN
DISEASE STATES WITH AN ANTI-
αvβ3 MONOCLONAL ANTIBODY
(AS AMENDED)

)
)
) Group Art Unit: 1644
)
) Exam.: P. Gambel
)
) Confirmation No. 1607
)
) Our Ref.: TSRI 419.0 C1
)
)
)

#33

TERMINAL DISCLAIMER PURSUANT TO
37 CFR § 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile
(703) 746-5293

Dear Sir:

Petitioner, The Scripps Research Institute, residing at 10550 North Torrey Pines Road, La Jolla, CA 92037, in the county of San Diego and State of California, represents that it is the assignee of the entire right, title and interest in and to the above-identified application as set forth in an assignment recorded on 05/31/1994, on reel 6997, frame 0495.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,753,230, issued 05/19/1998, and hereby agrees that any

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Serial No.: 09/081,522

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patent so granted on the above-identified herein application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,753,230, issued 05/19/1998. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 5,753,230, as presently shortened by any terminal disclaimer in the event that one or more later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a); (4) has all claims canceled by a reexamination certificate; or (5) is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of Petitioner/Assignee The Scripps Research Institute's knowledge and belief, title is in the Petitioner/Assignee.

The undersigned represents that she is a representative duly authorized to sign on behalf of the Petitioner.

The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization to charge the required fee to Deposit Account No. 19-0962 is made on the accompanying Fee Transmittal.

Respectfully submitted,

Dated: 9/22/03

By: Emily Holmes
Emily Holmes, Reg. No. 40,652

THE SCRIPPS RESEARCH INSTITUTE
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10550 North Torrey Pines Road
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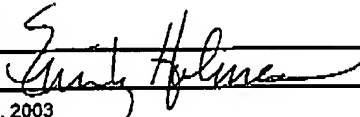
PTO/SB/21 (08-03)

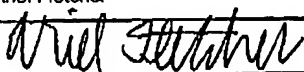
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/081,522
	Filing Date	05/19/1998
	First Named Inventor	Brooks
	Art Unit	1644
	Examiner Name	P. Gambel
Total Number of Pages in This Submission	Attorney Docket Number	TSRI 419.0 C1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Emily Holmes
Signature	
Date	September 22, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Ariel Fletcher
Signature	
Date	09/22/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DATE: September 22, 2003

FAX: 703-746-5293

TO: Examiner Philip Gambel, Art Unit 1644

FROM: Emily Holmes
Office of Patent Counsel
The Scripps Research Institute

RE: TSRI 419.0 C1/Apl. No. 09/081,522
Terminal Disclaimer

NUMBER OF PAGES: 6 (Including Cover Page)

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P-VAR1EL\FORMS\FAX
9/22/03